
SUBSTITUTE SENATE BILL 5937

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Murray and Kauffman)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to the creation and distribution of funds for
2 additional patrols along high-accident corridors; amending RCW
3 46.20.293, 46.29.050, and 46.52.130; adding a new section to chapter
4 46.68 RCW; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 46.20.293 and 2002 c 352 s 15 are each amended to read
7 as follows:

8 The department is authorized to provide juvenile courts with the
9 department's record of traffic charges compiled under RCW 46.52.101 and
10 13.50.200, against any minor upon the request of any state juvenile
11 court or duly authorized officer of any juvenile court of this state.
12 Further, the department is authorized to provide any juvenile court
13 with any requested service which the department can reasonably perform
14 which is not inconsistent with its legal authority which substantially
15 aids juvenile courts in handling traffic cases and which promotes
16 highway safety.

17 The department is authorized to furnish to the parent, parents, or
18 guardian of any person under eighteen years of age who is not
19 emancipated from such parent, parents, or guardian, the department

1 records of traffic charges compiled against the person and shall
2 collect for the copy a fee of (~~five~~) ten dollars (~~to~~) fifty percent
3 of which must be deposited in the highway safety fund and fifty percent
4 of which must be deposited according to section 4 of this act.

5 **Sec. 2.** RCW 46.29.050 and 2002 c 352 s 19 are each amended to read
6 as follows:

7 (1) The department shall upon request furnish any person or his
8 attorney a certified abstract of his driving record, which abstract
9 shall include enumeration of any motor vehicle accidents in which such
10 person has been involved. Such abstract shall (a) indicate the total
11 number of vehicles involved, whether the vehicles were legally parked
12 or moving, and whether the vehicles were occupied at the time of the
13 accident; and (b) contain reference to any convictions of the person
14 for violation of the motor vehicle laws as reported to the department,
15 reference to any findings that the person has committed a traffic
16 infraction which have been reported to the department, and a record of
17 any vehicles registered in the name of the person. The department
18 shall collect for each abstract the sum of (~~five~~) ten dollars, fifty
19 percent of which shall be deposited in the highway safety fund and
20 fifty percent of which must be deposited according to section 4 of this
21 act.

22 (2) The department shall upon request furnish any person who may
23 have been injured in person or property by any motor vehicle, with an
24 abstract of all information of record in the department pertaining to
25 the evidence of the ability of any driver or owner of any motor vehicle
26 to respond in damages. The department shall collect for each abstract
27 the sum of (~~five~~) ten dollars, fifty percent of which shall be
28 deposited in the highway safety fund and fifty percent of which must be
29 deposited according to section 4 of this act.

30 **Sec. 3.** RCW 46.52.130 and 2004 c 49 s 1 are each amended to read
31 as follows:

32 (1) A certified abstract of the driving record shall be furnished
33 only to:
34 (a) The individual named in the abstract;
35 (b) An employer or prospective employer or an agent acting on
36 behalf of an employer or prospective employer, or a volunteer

1 organization for which the named individual has submitted an
2 application for a position that could require the transportation of
3 children under eighteen years of age, adults over sixty-five years of
4 age, or (~~physically or mentally disabled~~) persons with mental or
5 physical disabilities;

6 (c) An employee or agent of a transit authority checking
7 prospective volunteer vanpool drivers for insurance and risk management
8 needs;

9 (d) The insurance carrier that has insurance in effect covering the
10 employer or a prospective employer;

11 (e) The insurance carrier that has motor vehicle or life insurance
12 in effect covering the named individual;

13 (f) The insurance carrier to which the named individual has
14 applied;

15 (g) An alcohol/drug assessment or treatment agency approved by the
16 department of social and health services, to which the named individual
17 has applied or been assigned for evaluation or treatment; or

18 (h) City and county prosecuting attorneys.

19 (2) City attorneys and county prosecuting attorneys may provide the
20 driving record to alcohol/drug assessment or treatment agencies
21 approved by the department of social and health services to which the
22 named individual has applied or been assigned for evaluation or
23 treatment.

24 (3)(a) The director, upon proper request, shall furnish a certified
25 abstract covering the period of not more than the last three years to
26 insurance companies.

27 (b) The director may enter into a contractual agreement with an
28 insurance company or its agent for the limited purpose of reviewing the
29 driving records of existing policyholders for changes to the record
30 during specified periods of time. The department shall establish a fee
31 for this service, fifty percent of which must be deposited in the
32 highway safety fund and fifty percent of which must be deposited
33 according to section 4 of this act. The fee for this service must be
34 set at a level that will not result in a net revenue loss to the state.
35 Any information provided under this subsection must be treated in the
36 same manner and subject to the same restrictions as certified
37 abstracts.

1 (4) Upon proper request, the director shall furnish a certified
2 abstract covering a period of not more than the last five years to
3 state approved alcohol/drug assessment or treatment agencies, except
4 that the certified abstract shall also include records of alcohol-
5 related offenses as defined in RCW 46.01.260(2) covering a period of
6 not more than the last ten years.

7 (5) Upon proper request, a certified abstract of the full driving
8 record maintained by the department shall be furnished to a city or
9 county prosecuting attorney, to the individual named in the abstract,
10 to an employer or prospective employer or an agent acting on behalf of
11 an employer or prospective employer of the named individual, or to a
12 volunteer organization for which the named individual has submitted an
13 application for a position that could require the transportation of
14 children under eighteen years of age, adults over sixty-five years of
15 age, or (~~physically or mentally disabled~~) persons with physical or
16 mental disabilities, or to an employee or agent of a transit authority
17 checking prospective volunteer vanpool drivers for insurance and risk
18 management needs.

19 (6) The abstract, whenever possible, shall include:

20 (a) An enumeration of motor vehicle accidents in which the person
21 was driving;

22 (b) The total number of vehicles involved;

23 (c) Whether the vehicles were legally parked or moving;

24 (d) Whether the vehicles were occupied at the time of the accident;

25 (e) Whether the accident resulted in any fatality;

26 (f) Any reported convictions, forfeitures of bail, or findings that
27 an infraction was committed based upon a violation of any motor vehicle
28 law;

29 (g) The status of the person's driving privilege in this state; and

30 (h) Any reports of failure to appear in response to a traffic
31 citation or failure to respond to a notice of infraction served upon
32 the named individual by an arresting officer.

33 (7) Certified abstracts furnished to prosecutors and alcohol/drug
34 assessment or treatment agencies shall also indicate whether a recorded
35 violation is an alcohol-related offense as defined in RCW 46.01.260(2)
36 that was originally charged as one of the alcohol-related offenses
37 designated in RCW 46.01.260(2)(b)(i).

1 (8) The abstract provided to the insurance company shall exclude
2 any information, except that related to the commission of misdemeanors
3 or felonies by the individual, pertaining to law enforcement officers
4 or fire fighters as defined in RCW 41.26.030, or any officer of the
5 Washington state patrol, while driving official vehicles in the
6 performance of occupational duty. The abstract provided to the
7 insurance company shall include convictions for RCW 46.61.5249 and
8 46.61.525 except that the abstract shall report them only as negligent
9 driving without reference to whether they are for first or second
10 degree negligent driving. The abstract provided to the insurance
11 company shall exclude any deferred prosecution under RCW 10.05.060,
12 except that if a person is removed from a deferred prosecution under
13 RCW 10.05.090, the abstract shall show the deferred prosecution as well
14 as the removal.

15 (9) The director shall collect for each abstract the sum of
16 ~~((five))~~ ten dollars, fifty percent of which shall be deposited in the
17 highway safety fund and fifty percent of which must be deposited
18 according to section 4 of this act.

19 (10) Any insurance company or its agent receiving the certified
20 abstract shall use it exclusively for its own underwriting purposes and
21 shall not divulge any of the information contained in it to a third
22 party. No policy of insurance may be canceled, nonrenewed, denied, or
23 have the rate increased on the basis of such information unless the
24 policyholder was determined to be at fault. No insurance company or
25 its agent for underwriting purposes relating to the operation of
26 commercial motor vehicles may use any information contained in the
27 abstract relative to any person's operation of motor vehicles while not
28 engaged in such employment, nor may any insurance company or its agent
29 for underwriting purposes relating to the operation of noncommercial
30 motor vehicles use any information contained in the abstract relative
31 to any person's operation of commercial motor vehicles.

32 (11) Any employer or prospective employer or an agent acting on
33 behalf of an employer or prospective employer, or a volunteer
34 organization for which the named individual has submitted an
35 application for a position that could require the transportation of
36 children under eighteen years of age, adults over sixty-five years of
37 age, or ~~((physically or mentally disabled))~~ persons with physical or
38 mental disabilities, receiving the certified abstract shall use it

1 exclusively for his or her own purpose to determine whether the
2 licensee should be permitted to operate a commercial vehicle or school
3 bus, or operate a vehicle for a volunteer organization for purposes of
4 transporting children under eighteen years of age, adults over sixty-
5 five years of age, or (~~physically or mentally disabled~~) persons with
6 physical or mental disabilities, upon the public highways of this state
7 and shall not divulge any information contained in it to a third party.

8 (12) Any employee or agent of a transit authority receiving a
9 certified abstract for its vanpool program shall use it exclusively for
10 determining whether the volunteer licensee meets those insurance and
11 risk management requirements necessary to drive a vanpool vehicle. The
12 transit authority may not divulge any information contained in the
13 abstract to a third party.

14 (13) Any alcohol/drug assessment or treatment agency approved by
15 the department of social and health services receiving the certified
16 abstract shall use it exclusively for the purpose of assisting its
17 employees in making a determination as to what level of treatment, if
18 any, is appropriate. The agency, or any of its employees, shall not
19 divulge any information contained in the abstract to a third party.

20 (14) Release of a certified abstract of the driving record of an
21 employee, prospective employee, or prospective volunteer requires a
22 statement signed by: (a) The employee, prospective employee, or
23 prospective volunteer that authorizes the release of the record, and
24 (b) the employer or volunteer organization attesting that the
25 information is necessary to determine whether the licensee should be
26 employed to operate a commercial vehicle or school bus, or operate a
27 vehicle for a volunteer organization for purposes of transporting
28 children under eighteen years of age, adults over sixty-five years of
29 age, or (~~physically or mentally disabled~~) persons with physical or
30 mental disabilities, upon the public highways of this state. If the
31 employer or prospective employer authorizes an agent to obtain this
32 information on their behalf, this must be noted in the statement.

33 (15) Any negligent violation of this section is a gross
34 misdemeanor.

35 (16) Any intentional violation of this section is a class C felony.

36 NEW SECTION. Sec. 4. A new section is added to chapter 46.68 RCW
37 to read as follows:

1 The funding allocated under RCW 46.20.293, 46.29.050, and 46.52.130
2 shall be deposited into the state patrol highway account created in RCW
3 46.68.030, for the purposes enumerated therein, which may include the
4 provision of enhanced resources to address locations with higher than
5 average collision rates.

6 NEW SECTION. **Sec. 5.** This act takes effect August 1, 2007.

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